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**Via ECF**

April 27, 2023

Honorable Valerie Figueredo  
Magistrate Judge  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1660  
New York, NY 10007-1312

Application Granted

A handwritten signature in black ink, appearing to read "Valerie Figueredo", written over a horizontal line.

Valerie Figueredo, U.S.M.J.

DATED: April 28, 2023

For the same reasons provided at ECF No. 448, Plaintiffs' letter motion to seal is GRANTED. The Clerk of Court is directed to terminate the motion at ECF No. 458.

**Re: *Sportvision, Inc. et al. v. MLB Advanced Media, L.P.*,  
Case No. 1:18-cv-03025-PGG-DCF**

Dear Judge Figueredo:

We represent Plaintiffs Sportvision, Inc. and SportsMedia Technology Corporation ("Plaintiffs"). In accordance with Rule I(g) of Your Honor's Individual Practices in Civil Cases, we submit this letter motion on behalf of Plaintiffs, requesting the Court seal Exhibit A (and the exhibits thereto) to Plaintiffs' Letter Motion for Permission to File a Sur-Reply. Plaintiffs also submit my declaration dated April 27, 2023, in support of this letter motion.

In the Second Circuit, courts may exercise "discretion in determining whether good cause exists to overcome the presumption of open access to documents filed." *Geller v. Branick In'l Realty Corp.*, 212 F.3d 734, 738 (2d Cir. 2000). In evaluating a party's request to file under seal, courts balance the competing interests of the presumption of public access to judicial documents against "countervailing factors," including the "privacy interests of those resisting disclosure." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotations omitted); *see also Ramirez v. Temin & Co., Inc.*, No. 20 CIV. 6258 (ER), 2020 WL 6781222, at \*3 (S.D.N.Y. Nov. 18, 2020) ("the presumption of access may be outweighed when there are considerations of the need to conceal confidential business information that could harm a defendant's competitive position or reveal a trade secret."). Protecting sensitive business information is among the "higher values" consistently recognized by courts in this Circuit" as a "countervailing factor" that can prevail over the presumption of public

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access.” *CBF Industria de Gusa S/A v. AMCI Holdings, Inc.*, No. 13-cv-2581-PKC-JLC, 2021 WL 4135007, at \*4 (S.D.N.Y. Sept. 10, 2021). Such “higher values” that justify sealing documents also include the privacy interests of third parties. See *E.E.O.C. v. Kelley Drye & Warren LLP*, No. 10 Civ. 655 (LTS) (MHD), 2012 WL 691545, at \*2 (S.D.N.Y. March 2, 2012). Documents containing “trade secrets, confidential research and development information, marketing plans, revenue information, pricing information, and the like” are commonly found to satisfy the sealing standard. *Rensselaer Polytechnic Inst. v. Amazon.com, Inc.*, 2019 WL 2918026, at \*2 (N.D.N.Y. June 18, 2019 (internal quotations omitted); *Cumberland Packing Corp. v. Monsanto Co.*, 184 F.R.D. 504, 506 (E.D.N.Y. 1999) (“Documents falling into categories commonly sealed are those containing trade secrets, confidential research and development information, marketing plans, revenue information, pricing information, and the like.”).

Plaintiffs seek to file Exhibit A to Plaintiffs’ Letter-Motion under seal. Exhibit A contains extensive excerpts and/or detailed descriptions of confidential technical and business documents that Defendant MLBAM or third-party TrackMan, Inc. have designated as “Highly Confidential – Limited” or “Highly Confidential – Attorneys’ Eyes Only.” Plaintiffs also seek to file Exhibits 1 through 7 under seal. Each of these documents are confidential technical and business documents that Defendant MLBAM or third-party TrackMan, Inc. have designated as “Highly Confidential – Limited” or “Highly Confidential – Attorneys’ Eyes Only.”

Contemporaneously with Plaintiffs’ letter motion to seal, Plaintiffs have publicly filed Exhibit A and Exhibits 1 through 7 thereto with proposed redactions of the portions Plaintiffs seek to seal and filed under seal a copy of the unredacted Exhibit A the redactions highlighted. (See Dkt. 457, 460.)

For the reasons stated above, Plaintiffs respectfully request that the Court consider and grant this letter motion to seal.

Date: April 27, 2023

Respectfully submitted,

cc: Counsel of Record (via ECF)

By: /s/ William M. Taylor  
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